

A-E CONTRACTING BULLETIN 96-12, 30 OCT 96

SUBJECT: Environmental Services

1. The attached memorandum (with attached 3 page list) was just distributed to all Directors/Chiefs of Engineering and Contracting. The same list was passed out at the A-E Contracting Workshop on 1-2 May 1996 in Arlington, TX. It addresses which type of environmental services are A-E, which are not A-E and which may be A-E. This has become a sensitive issue in the A-E community. This guidance will promote more consistent decision making throughout USACE on how to procure various environmental services.

2. This guidance should be used in conjunction with Appendix A of ER 715-1-16, Selection of Firms for A-E Contracts, in determining whether a particular contract should be procured as A-E services in accordance with the Brooks Act and FAR 36.6. The determination is a two-step process. First, evaluate the individual tasks in the proposed contract to decide which are A-E services. Use the examples in the attached list as guidance. Second, determine if the A-E services are a substantial or dominant portion of the contract. Substantial means a considerable percentage of the work, but not necessarily a majority of the hours or cost. Dominant means the primary purpose or objective of the work, although not necessarily a majority of the hours or cost, or the largest component of the work.

3. For more information on this subject, contact Jean McGinn, CEMP-ES, 202-761-1052.

1 Attach

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WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CEMP-E/CECW-E (715)

28 October 1996

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS,  
ATTN: DIRECTORS OF ENGINEERING

SUBJECT: Architect-Engineer (A-E) Services for Environmental Program Projects

1. Engineering Regulation (ER) 715-1-16, Selection of Firms for Architect-Engineer Contracts, Appendix A, provides general guidance for determining whether a particular contract should be procured as A-E services in accordance with the Brooks A-E Act and the procedures in Federal Acquisition Regulation (FAR) Subpart 36.6. However, specific guidance for environmental program projects is not included in ER 715-1-16. To supplement the guidance in ER 715-1-16, enclosed is a listing of potential district environmental program support areas classified as "Projects Which are A-E Services," "Projects Which are not A-E Services," and "Projects Which May or May Not Require Services of A-E Depending on Installation and/or Project." This list was developed by a cooperative effort among CEMP-R, CEMP-ES, CEPR-P, and CECC-C, and was provided to all participants in the A-E Contracting Workshop held on 1-2 May 1996 in Arlington, Texas. The list should be used as guidance in determining which contracts for environmental projects should be procured using Brooks A-E Act procedures.

2. The contracting officer will decide if a contract will be procured as A-E services, considering input from Engineering and Counsel. In addition to the general guidelines provided in ER 715-1-16, the contracting officer must consider if the project requires analysis or judgment by an engineer or architect. The determination is not based on the percentage of hours worked. It is also not enough to say that an A-E can do the work.

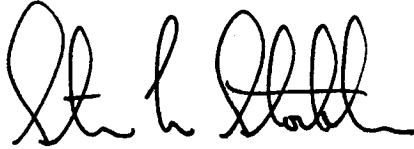
a. FAR 36.601-3(c) requires the use of Brooks A-E Act procedures if the work substantially or dominantly requires performance or approval by an A-E. Substantial does not have to be a majority of the dollar value or hours of the work. Dominant means the primary purpose of the work, no matter how small the dollar value or hours.

b. FAR 36.601-3(d) provides that (except for "incidental services") services are to be acquired by competitive negotiation or sealed bidding procedures in FAR Parts 13, 14 and 15 when they do not require performance or approval by an A-E, even though A-E firms might be among the firms that could perform the services.

CEMP-E/CECW-E

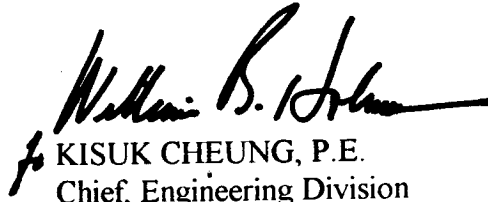
SUBJECT: Architect-Engineer (A-E) Services for Environmental Program Projects

3. Point of Contact for further questions is Jean McGinn, AIA, CEMP-ES,  
(202) 761-1052.



Encl

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## POTENTIAL DISTRICT ENVIRONMENTAL PROGRAM SUPPORT AREAS

### Projects Which are A/E Services:

- Air Quality - Corrective Action Plans/Projects
  - a. Stationary and Mobile Sources
  - b. Asbestos
  - c. Radon
  - d. CFCs and Halons
- Water Resources - Corrective Action Plans/Projects
  - a. Drinking Water
  - b. Wastewater
  - c. Point Source and Non-point Source Discharge
  - d. Storm Water Drainage
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Studies and Design (PA/SI, RI/FS, and RD)
- National Contingency Plan (NCP) - Preparation of Spill Prevention, Control, and Countermeasures (SPCC) Plans
- Resource Conservation and Recovery Act (RCRA)
  - a. Corrective Actions
  - b. Munitions and Ordnance Closures and Corrective Actions
- Historic Preservation Surveys and Management Plans for Buildings
- Development of Stormwater Pollution Prevention Plans (SWPPP) with design of appropriate diversion structures
- Design of Restoration of Historic Properties
- Design of Repair, Removal, and/or replacement of Underground Storage Tanks (UST)
- Design of Installation of Leak Detection Systems for UST
- Design of Boiler Replacement/Upgrade Projects (Installation of Low NOx Systems, etc.)
- Any new design or upgrade of a RCRA Part B permitted hazardous waste management unit, as well as the closure and post closure care.
- Any new construction of a RCRA Part B permitted hazardous waste management unit.
- Any new design or upgrade of a solid waste land based unit.
- Design of support systems under OSHA excavation standards when excavation is greater than 20 ft.
- Monitoring and closure of injection wells IAW 40 CFR 144.

**Projects Which are not A/E Services:**

- Conducting Environmental Compliance Assessments System (ECAS) Surveys
- RCS-1383 Report Preparation
- Air Quality - Management Plans, Surveys, and/or Emissions Reporting
  - a. Stationary and Mobile Sources
  - b. Asbestos
  - c. Radon
  - d. CFCs and Halons
- Water Resources - Management Plans, and/or Laboratory Testing
  - a. Drinking Water
  - b. Wastewater
  - c. Point Source and Non-point Source Discharge
  - d. Storm Water Drainage
- Assistance for Data Management in the Army's Automated Environmental Management Information System (AAEMIS)
- Pollution Prevention Opportunity Assessments
- Hazardous Materials Management Plans
  - a. Toxic Substances Control Act (TSCA)
  - b. Department of Transportation Applicable Regulations
    - (1) PCB Management and Reporting
    - (2) Nuclear Reactors - Monitoring
- National Contingency Plan (NCP) - Planning, Release Reporting and Response Actions
  - a. Oil
  - b. Hazardous Substances
  - c. Installations Spill Contingency Plan
  - d. Toxic Release Inventory
- Resource Conservation and Recovery Act (RCRA)
  - a. Hazardous Materials/Hazardous Waste Management Plans
  - b. Solid Waste Management Plans
  - c. Recycling Plans
  - d. Underground Storage Tank Management Plans and Testing
- Performing Hazardous and Toxic Waste and Materials Management (Including EPCRA compliance)
- Performing Chemical Inventories
- Performing Chemical Testing
- Conducting Lead Based Paint Surveys
- Performing Environmental Program Functions
- Preparation of Forestry Management Plans
- Preparing Wildlife Management (to include Endangered Species) Plans and/or Conducting Surveys

- Preparing Archaeology Management Plans and/or Conducting Surveys
- Preparation of Pest Management Plans
- Preparation of Wetlands Management Plans and Identification surveys
- Preparation of Coastal Zone Management Plans
- Preparation of Land (Range) Management and Restoration Plans
- Performing Solid Waste Management Functions
- Performing Wastewater Management Functions

**Projects Which May or May Not Require Services of A-E Depending on Installation and/or Project:**

- National Environmental Policy Act (NEPA) Documentation
  - Environmental Assessment (EA)
  - Environmental Impact Statement (EIS)
- Noise Abatement
  - a. Quiet Communities Act
  - b. Noise Control Act
    - (1) Assessment of Impact by Activities
    - (2) Installation Compatible Use Zone (ICUZ) Studies
- Air Quality - Permit Preparation
  - a. Stationary and Mobile Sources
  - b. Asbestos
  - c. Radon
  - d. CFCs and Halons
- Water Resources - Permit Preparation
  - a. Drinking Water
  - b. Wastewater
  - c. Point Source and Non-point Source Discharge
  - d. Storm Water Drainage
- Accumulating data and developing Title V (CAA) Reports
- UST installation certification can be done by a P.E., as 1 of the options. A P.E. is not required.
- CERCLA PA/SI and RI.
- Development of SWPPP.